

Subject: Navigational Buoys and Signs

Date: Thursday, October 6, 2011 7:04 PM

From: Mark Sanders <mark@westpointharbor.com>

Reply-To: <mark@westpointharbor.com>

To: Tom Sinclair <toms@bccdc.ca.gov>, Ellen Miramontes <ellenm@bccdc.ca.gov>

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Brad,

attached is the letter regarding compliance with requirements for navigational buoys, Refuge signs and No Wake signs. Its a think file and I will post the attachments today.

Best

mark

October 6, 2011

To: Tom Sinclair, BCDC
Ellen Miramontes, BCDC

From: Maureen and Mark Sanders, Westpoint Harbor

Subject: Buoys and Charts

Reference: Your letter of September 1, 2011, Page 2 paragraph 4, "Failure to Provide Verification of Notification to NOAA to Update Nautical Charts", and Page 3, paragraph 5, "Installation and Maintenance of "No Wake" Zone Signs and Buoys"

Hello Ellen and Tom,

The following is a summary of activities regarding notification to NOAA, installation of buoys and no-wake signs--the requirements are related and treated together. As you will see there is an abundance of documentation showing BCDC received multiple notifications of change and actively participated in the process to the successful conclusion of buoy and sign placement, and chart updates.

The first notification of work involving navigational and no-wake buoys and nautical charts was part of the US Army Corps of Engineers permit process. BCDC participated along with NOAA, USCG, FWS, DBW, the Port of Redwood City, State Lands and the RWQCB. The process ran over many years and was completed in 2009.

The Westpoint project started in 1988, and we applied for a permit to the Army Corps of Engineers in 1993. The Corps held a "Pre-Application Meeting" on August 6, 1993, and agenda items included (a) a jurisdictional determination for the Corps; (b) dredging plans for Westpoint Slough and the marina basin; (c) clearing wrecks from the channel; (d) installation of dock piles; and (e) navigational aids and updating of nautical charts. The Corps followed this with a series of "Interagency Meetings". The first was October 13, 1993, with twelve agencies attending including Steve McAdam and Richard Cooper from BCDC, as reported in a letter dated December 22, 1993. The ACE issued public notices copied to all parties, and key issues addressed by this group included the following:

- Will the channel clear itself once the wrecks were removed from Westpoint? (yes)
- Who would remove wrecks from Westpoint Slough (the Aqua Terra Project and DBW)
- What navigational aids (buoys) are required, who has jurisdiction, and who installs them
- What dredging is necessary at the entrance to Westpoint Slough and the marina

NOAA was responsible for "safe navigation" issues and "Permit/Public Notice Completion Reports" were electronically filed starting in 2002. NOAA circulated notices to all agencies

including BCDC, and you will find attached correspondence between USCG, NOAA and the harbor outlining the process we followed.

Some permit requirements changed during the meetings with all agencies including "No Wake buoy" responsibility, and location of Greco Island signage.

Westpoint Slough is in the Port of Redwood City and "No Wake Zone" buoys are its responsibility. The Port has maintained "No Wake" buoys at the entrance to the channel for decades, and included is a copy of the Ordinance regarding buoys in the channel pursuant to "California Harbors & Navigation Code". Also attached is a recent email from the Port about routine maintenance of the buoy.

It was concluded during the ACE meetings (with BCDC participation) "No Wake" buoys cannot be installed beyond the channel entrance and become a navigational hazard. Westpoint Harbor has "No Wake Zone, 3 MPH" signs on the port and starboard pilings *inside* the entrance to the harbor. This is because in-harbor speed limits are lower than in-channel speeds. Because it is on private property it was the harbor's responsibility.

Making the channel navigable took a long time. Wreck removal was managed by the Aqua Terra Project (Redwood City and DBW, with Westpoint Harbor providing facilities) and completed in 2009. Dredging too was completed in 2009, at which time NOAA and USCG directed the placement of buoys, chart updates, and notices to all parties.

Updates to all concerned were usually provided by NOAA or the ACE. NOAA's Nautical Data Branch continues to track the project, and issues "Notice to Mariners" to agencies including BCDC.

Included are the following documents (with highlights on key items).

8/3/93	ACE inter-agency meeting. BCDC attends followed by separate BCDC meeting
1/11/94	Interagency meeting in Redwood City, reported by ACE
1/19/96	Many BCDC meetings followed on various permit items, including bigger basin
1/1/02	Surveys of channel for navigation. Worked with FWS and BCDC informed
1.29/02	FWS report. Suggests buoys for Greco Island, and FWS official signs
2/6/02	Buoy idea dropped as unworkable. Changed to signs at island edge. Confirmed survey complete and nav buoys started
6/14/02	FWS update letter. BCDC and others copied
5/16/02	Port Ordinance: Channel mark responsibility with Port of Redwood City
6/16/02	Another ACE public notice on project to all agencies
6/25/02	Update on project to ACE, copy to BCDC
7/17/02	Additional FWS requirements on Greco signs Permit/public Notice to NOAA (annual)
8/12/02	Letter regarding FWS acceptance of signs for Greco Island
1210/02	State Lands letter affirming work is not in State Lands jurisdiction

1/9/03	BCDC meeting at which final decisions on buoys, signs etc are reported
1/12/03	Letter to FWS reporting refuge signs are complete and ready to be installed as required, and that McAdam asks FWS to call regarding a permit requirement
1/13/03	FWS and McAdam talk and confirm go-ahead.
3/15/03	Letter to FWS with final items prior to permit presentation
3/20/03	Chronology of process to FWS, including completion of Greco signs
4/11/03	FWS letter reporting on status, copied to BCDC
4/18/03	Email regarding soundings in channel for chart updates to BCDC
11/18/03	RWC update on FWS/BCDC activities
3/26/07	Letter to Brian Aldrich (CG) regarding placement of navigation buoys
4/3/07	NOS chart update program report
12/6/07	WAMS survey form to USCG
1/14/09	Email thread between ACE, CG and BCDC (<u>Brenda Goeden</u>) regarding dredging survey, navigational markers
1/29/09	NOAA confirmation charts are being updated
2/12/09	NOAA confirming they have what is needed to complete channel markers
3/6/09	NOAA report on locations of channel markers
9/9/09	NOAA update
9/10/09	NOAA report that chart updates have started to be promulgated, and that chart corrections ("Notice to Mariners") issued. BCDC receives NOTAM's
5/12/11	My letter to you summarizing this process and explaining why the agencies concluded the FWS idea of buoys for Greco Island wasn't workable
5/12/11	NOAA update email
6/21/11	Port of Redwood City email reporting that their damaged "No Wake" buoy will be replaced

I trust this is sufficient proof that BCDC was fully informed in the process of installing Wildlife Refuge signage, navigational buoys and No Wake signage. FWS, USCG, ACE and the Port of Redwood City all report that this requirement was satisfactorily completed in 2009.